

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA DAVID LAMBERT,

Plaintiff,

v.

MARY KAYE WELLER,

Defendant.

Case No. C20-1558 JLR-MAT

ORDER ADOPTING REPORT AND
RECOMMENDATION

Having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:


- (1) The Court ADOPTS the Report and Recommendation;
- (2) Plaintiff's motion to amend the complaint (Dkt. 9) is GRANTED;
- (3) Plaintiff's motion to voluntarily dismiss Counts 1 and 2 (Dkt. 8) as set forth in the original and amended complaint is GRANTED; and,
- (4) Plaintiff's remaining federal claims (Claims 3 and 6) in his amended complaint (Dkt. 9-1) are DISMISSED without prejudice pursuant to 28 U.S.C. §§ 1915A(a) and 1915(e)(2), for failure to state a claim upon which relief may be granted;

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1 (5) The Court declines to exercise jurisdiction over the remaining state law claims
2 (Claims 4, 5, 7) in plaintiff's amended complaint (Dkt. 9-1) and those claims are DISMISSED
3 without prejudice; and

4 (6) The Clerk is directed to send copies of this Order to the parties and to Judge Theiler.

5 Dated this 12th day of April, 2021.

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8 JAMES L. ROBART
United States District Judge